
SUBSTITUTE HOUSE BILL 1040

State of Washington 58th Legislature 2003 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives O'Brien, Schoesler, Dickerson, Chandler, Kagi, Talcott, Kenney, Morris, Veloria, Chase, Rockefeller, Benson, Campbell, Sullivan and Darneille)

READ FIRST TIME 02/27/03.

1 AN ACT Relating to removing the statute of limitations on childhood
2 sexual abuse civil cases; amending RCW 4.16.340; creating a new
3 section; and declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 4.16.340 and 1991 c 212 s 2 are each amended to read
6 as follows:

7 (1) All claims or causes of action based on intentional conduct
8 brought by any person for recovery of damages for injury suffered as a
9 result of childhood sexual abuse shall be commenced within the later of
10 the following periods:

11 (a) Within (~~three~~) ten years of the act alleged to have caused
12 the injury or condition;

13 (b) Within (~~three~~) ten years of the time the victim discovered or
14 reasonably should have discovered that the injury or condition was
15 caused by said act; or

16 (c) Within (~~three~~) ten years of the time the victim discovered
17 that the act caused the injury for which the claim is brought:

18 PROVIDED, That the time limit for commencement of an action under

1 this section is tolled for a child until the child reaches the age of
2 eighteen years.

3 (2) The victim need not establish which act in a series of
4 continuing sexual abuse or exploitation incidents caused the injury
5 complained of, but may compute the date of discovery from the date of
6 discovery of the last act by the same perpetrator which is part of a
7 common scheme or plan of sexual abuse or exploitation.

8 (3) The knowledge of a custodial parent or guardian shall not be
9 imputed to a person under the age of eighteen years.

10 (4) For purposes of this section, "child" means a person under the
11 age of eighteen years.

12 (5) As used in this section, "childhood sexual abuse" means any act
13 committed by the defendant against a complainant who was less than
14 eighteen years of age at the time of the act and which act would have
15 been a violation of chapter 9A.44 RCW or RCW 9.68A.040 or prior laws of
16 similar effect at the time the act was committed.

17 NEW SECTION. **Sec. 2.** Section 1(1) of this act applies to all
18 claims or causes of action arising on or after the effective date of
19 this act and any claim or cause of action arising before the effective
20 date of this act that, as of the effective date of this act, was not
21 barred because of the expiration of the applicable statute of
22 limitations.

23 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
24 preservation of the public peace, health, or safety, or support of the
25 state government and its existing public institutions, and takes effect
26 immediately.

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